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311231Z Mar 05

UNCLAS ZAGREB 000510

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C O R R E C T E D C O P Y

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SUBJECT: DRAFT GMO LAW BRINGS ANTI-BIOTECH FEELINGS BACK TO  
THE SURFACE

REF: 04 ZAGREB 2196

SUMMARY AND COMMENT

1. (SBU) A proposal to consolidate Croatia's restrictive legislative framework for the introduction of genetically modified seeds has brought public outrage at the thought of GMOs in Croatia back to the surface. While Parliament seems set to institutionalize a precautionary principle approach for seed imports, some vocal MPs have seized the opportunity to call for an outright ban on all GMO product raising the prospect of a national referendum on the GMO question. Despite the controversy, the draft law would change little, moving coordinating responsibility from the Ministry of Culture to the equal disinterested Ministry of Health and establishing a testing and licensing regime so restrictive it constitutes a de facto ban. Legislation on GMO foods remains unchanged. Limited lab capacity will challenge the GoC's ability to implement testing thresholds and compel a very selective and subjective method of choosing samples for testing. While GoC officials acknowledge legal obligations to open their agricultural market to foreign imports, most openly acknowledge that Croatia is positioning itself as a GMO-free, "healthy" tourist destination. END SUMMARY AND COMMENT.

PARLIAMENT SENDS DRAFT BILL BACK FOR REDRAFTING

2. (SBU) A draft GMO law currently before Parliament has done nothing to cool tempers over the highly emotional GMO issue in Croatia. On March 22, the Parliamentary Committee on Agriculture and Forestry debated and rejected upon second reading a draft GMO law. Members of the governing Croatian Democratic Union (HDZ) and opposition Social Democratic Party (SDP) supported the draft, while most other parties have openly opposed any measure short of an outright ban. Meeting the afternoon with the DCM, Committee Chairman Bozidar Pankretic stated that the problem with the legislation was not that MPs lacked sufficient scientific advice but rather that science had reached no definitive conclusions on the safety of GMO seeds. Pankretic was realistic about Croatia's WTO obligations, but acknowledged most MPs are very responsive to public fears that the bill is excessively permissive. Key concerns included cross-contamination of non-GMO fields, squeezing out small domestic farmers while leaving the entire sector vulnerable to foreign seed providers, and a lack of proof that modified genes in crops cannot "jump" to digestive bacteria. Several MPs for the first time raised the issue of a nation-wide referendum on banning all GMO seed imports. Looking ahead, Pankretic left open the possibility that the GoC might still approve the draft text without further edits.

DRAFT GMO LAW SPARKS CONTROVERSY BUT CHANGES LITTLE

3. (SBU) At the GoC's request, the Ministry of Culture recently drafted legislation that would consolidate several laws (reftel) governing biotechnology into a single GMO law. The proposed language only addresses the introduction into nature of genetically-modified seeds, currently covered under the extant 2003 Law on Nature Protection; the import and licensing of GMO foods will continue to be governed by the 2003 Law on Food and Feed. The draft language moves responsibility for coordinating Croatia's GMO policy from the Ministry of Culture Division for Nature Protection to the Ministry of Health Division for Sanitary Inspection. The law would also establish a scientific advisory council consisting of an expert committee for contained use and one for introduction into the market. Though the draft law would on the surface establish a legislative framework for the import, licensing, and planting of seeds containing GMO content in Croatia, according to key GoC officials the language is "cumbersome" enough to constitute a de facto ban on seed imports. The threshold for GMO content in seeds is 0.0%. The law also contains numerous safeguard clauses prohibiting planting of GMO seeds in any protected nature are national park, or other area of ecological importance undefined by any legislation. Lastly, the law for

the first time introduces a break clause allowing the GoC to temporarily or even permanently suspend the import or planting of GMO seeds if it believes doing so would protect public health or the environment.

#### FOOD REGULATION VIRTUALLY UNCHANGED -----

14. (U) The 2003 Law on Food and Feed will continue to govern the possible import, licensing, and labeling of any foods containing GMO content. Under the law, the threshold for GMO content in food depend upon whether or not the product has previously been tested and licensed in the EU. If the product has been accepted by an EU member state, it does not need to be labeled for sale on the Croatian market provided separate tests within Croatia confirm the product contains less than 0.9% GMO content. The threshold drops to 0.0% for products that have

not yet been accepted by an EU member. All new foods will require a risk assessment concluded by a licensed Croatian institution; foreign (even EU) risk assessments will not be accepted for licensing foods containing GMO content. A recently created Food Agency, directed by Dr. Boris Antunovic, will be responsible for coordinating testing, licensing, and labeling of novel foods. Post has recently nominated D Antunovic for a European regional IV program on biotechnology and food safety.

#### TESTING CAPABILITIES OUT OF SYNCH WITH LEGISLATION -----

15. (SBU) Dr. Peter Schmeissner, a biotech specialist at USDA, recent visited Zagreb from March 21-23 for a biotech-themed IIP Speaker's Program. During Dr. Schmeissner's visit, he had a chance to tour Croatia's single laboratory (housed at the Institute for Public Health and overseen by IV returnee Dr. Krunoslav Capak) capable of testing both foods and seeds for GMO content. According to Dr. Schmeissner, the lab was of acceptable quality but has a severely limited capacity meaning the Institute must be very selective when deciding what products to test. Dr. Schmeissner also questioned whether the lab's equipment allowed for accurate enough results to enforce a 0.9% threshold for food. A large circulation daily recently carried a large article criticizing the lab for not yet receiving ISO certification a process that by this point is mostly a question of time rather than further financial investment. The article noted with disapproval that the GoC's 9 million kuna (\$1.6 million) investment in the IPH lab has yet to translate into a national facility capable of reliably testing for GMO content.

#### GMOS AND THE MARKET FOR "HEALTHY" FOOD -----

16. (SBU) In separate meetings, interlocutors at the Ministry of Agriculture, the Ministry of Health, and the Institute for Public Health acknowledged the draft GMO law constitutes a virtual ban on GMO seeds, offering that anything else would be politically impossible. The top Ministry of Health official for biotechnology, who will take over umbrella coordination under the new legislation, told Emboffs that the GoC sees little need to implement a procedure to allow GMO seed imports given a lack of agricultural problems (rain, pests, or soil) that might justify their usage. The official explained that Croatia clearly sees its future as a "niche market for healthy food" (NOTE: In Croatian, the word "healthy" encompasses everything from conventional organic to non-GMO products.) Opponents to GMOs in Croatia have been emboldened by the perceived success of Austria, Slovenia, and to a degree Italy in standing up to the European Commission on GMOs; complying with EU regulations has little meaning so long as Croatia can position itself within a regional group of "healthy," GMO-free market.

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